

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

## **ORDER**

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

Now before the Court is Defendants' Conditional Motion for Order Permitting Dr. Gaines's Deposition to be Taken November 28, 2018, and for Leave Thereafter to Supplement the Summary Judgment Record [Doc. 84]. Defendants state that the condition of the Motion is that if the Court strikes and excludes Dr. Gaines's expert testimony, there is no need to take his deposition. Defendants explain that its Motion to Strike and Exclude Expert Testimony ("Motion to Strike") is pending and that to determine if this deposition will be necessary, the parties need a ruling on the Motion to Strike. Defendants state that if Dr. Gaines's deposition is required, he is not available for a deposition until November 28, 2018, at 8:00 a.m. Defendants state that counsel for Plaintiffs have indicated that they are available on November 28 for the deposition. Further, Defendants state that the Court previously granted an extension until November 13, 2018, to file its reply brief in support of its motion for summary judgment. Defendants request leave to supplement the summary judgment record with a transcript in reply to Plaintiffs' response to the pending summary judgment motion.

Accordingly, the Court finds Defendants' Conditional Motion [Doc. 84] well taken, and it is **GRANTED**. Further, Defendants shall file their supplemental brief within fourteen (14) days after receiving the transcript of Dr. Gaines's deposition.

**IT IS SO ORDERED.**

ENTER:

  
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United States Magistrate Judge